

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

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| HARBY KREEGER, JR. and DIANNE D. KREEGER | § § § § § § § | PLAINTIFFS |
| v. | § | Civil No. 1:07CV1134-HSO-RHW |
| STATE FARM FIRE AND CASUALTY COMPANY, an Illinois Corporation and JOHN AND JANE DOES 1-10 | § § § | DEFENDANTS |

**ORDER AND REASONS GRANTING DEFENDANT STATE FARM FIRE
AND CASUALTY COMPANY'S MOTION TO DISQUALIFY**

BEFORE THE COURT is Defendant State Farm Fire and Casualty Company's ["State Farm"] Motion to Disqualify the Barrett Law Office, P.A., Nutt & McAlister, P.L.L.C, the Lovelace Law Firm, P.A., the entity now known as the Katrina Litigation Group, and all of the attorneys associated with these entities, filed February 8, 2008 [16-1], in the above-captioned cause. Plaintiffs filed a Response [18-1], which adopted and incorporated by reference Plaintiff's Response to State Farm Fire and Casualty Company's Second Motion to Disqualify filed in *McIntosh, et al. v. State Farm Fire and Casualty Co., et al.*, United States District Court for the Southern District of Mississippi, Southern Division, Civil Action No. 1:06cv1080-LTS-RHW. After thorough review of the record, the Court is of the opinion that the arguments raised by the parties, and the evidence relevant to those arguments, are essentially the same in this case as those presented in *McIntosh*.

State Farm contends that the aforementioned Plaintiffs' attorneys have "committed numerous and egregious ethical violations which warrant their

disqualification from this case.” Mot., at p. 1. Plaintiffs dispute this. After careful consideration of the record evidence in this case, the parties’ submissions, and the relevant legal authorities, and having considered the findings and conclusions contained in the recent Memorandum Opinion and Order entered by United States District Judge L. T. Senter, Jr., in this Court in *McIntosh, et al. v. State Farm Fire and Casualty Co., et al.*, Civil Action No. 1:06cv1080-LTS-RHW [1172-1], [1173-1], which are hereby adopted and incorporated by reference herein, and for the same reasons detailed in the aforementioned Order, the Court is of the opinion that it must grant State Farm’s Motion to Disqualify [16-1].

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Motion of Defendant State Farm Fire and Casualty Company filed February 8, 2008 [16-1], to Disqualify the Barrett Law Office, P.A., Nutt & McAlister, P.L.L.C, the Lovelace Law Firm, P.A., the entity now known as the Katrina Litigation Group, and all of the attorneys associated with these entities, is hereby **GRANTED**, and the aforementioned counsel are hereby disqualified from any further participation in this case.

IT IS, FURTHER, ORDERED AND ADJUDGED that Cori and Kerri Rigsby are hereby **DISQUALIFIED** as witnesses in this action, and that any documents supplied by the Rigsby sisters to the Scruggs Katrina Group or the Katrina Litigation Group or its associates shall be **EXCLUDED** from evidence in this case, unless Plaintiffs can demonstrate that the documents were obtained through ordinary methods of discovery.

IT IS, FURTHER, ORDERED AND ADJUDGED that Plaintiffs shall be allowed a period of forty-five (45) days in which to retain new counsel or to notify the Court of their intention to proceed *pro se*. This period may be enlarged at the discretion of the United States Magistrate Judge assigned to the case, for good cause shown. Plaintiffs' failure to retain new counsel or to inform the court of their intention to proceed *pro se* will make this case eligible for dismissal without prejudice. The attorneys subject to disqualification by the terms of this Order shall send, *via* United States mail, postage prepaid, to Plaintiffs a copy of this Order as well as copies of Judge L. T. Senter, Jr.'s [1172-1] Memorandum Opinion and [1173-1] Order in *McIntosh, et al. v. State Farm Fire and Casualty Co., et al.*, Civil Action No. 1:06cv1080-LTS-RHW. A new scheduling order will be entered after new counsel has entered an appearance for Plaintiffs or after the Court has been notified of Plaintiffs' intention to proceed *pro se*.

SO ORDERED AND ADJUDGED, this the 11th day of April, 2008.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE